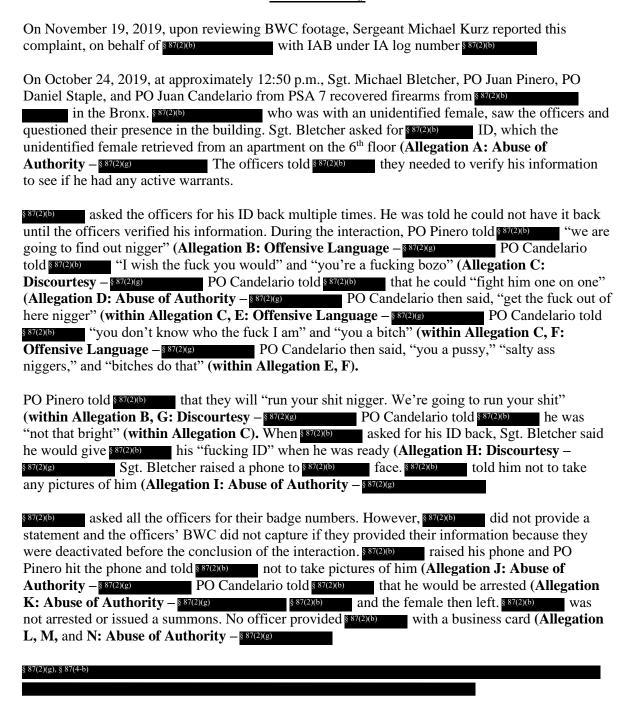
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	☐ Force	☑ Discourt. ☐ U.S.
Julia Moran		Squad #06	201910059	☑ Abuse	☑ O.L. ☐ Injury
Incident Date(s)		Location of Incident:		Precinct:	18 Mo. SOL EO SOL
Thursday, 10/24/2019 1:24 PM		§ 87(2)(b)		42	4/24/2021 12/9/2021
Date/Time CV Reported		CV Reported At:	How CV Reported	l: Date/Tim	ne Received at CCRB
Wed, 11/13/2019 9:19 AM		IAB Phone		Tue, 11/19/2019 2:56 PM	
Complainant/Victim	Type	Home Add	ress		
Witness(es)		Home Add	lress		
Subject Officer(s)	Shield	TaxID	Command		
1. POM Juan Candelario	06688	948739	PSA 7		
2. SGT Michael Bletcher	3912	929740	PSA 7		
3. POM Juan Pinero	00895	953256	PSA 7		
Witness Officer(s)	Shield N	lo Tax No	Cmd Name		
1. POM Daniel Staple	14749	943844	PSA 7		
Officer(s)	Allegati	on		Inv	estigator Recommendation
A.SGT Michael Bletcher	Abuse: S	Sergeant Michael Bletc	cher stopped § 87(2)(b)		
B.POM Juan Pinero	Off. Lan § 87(2)(b)	guage: Police Officer based upon		narks to	
C.POM Juan Candelario	Discourtesy: Police Officer Juan Candelario spoke discourteously to \$87(2)(6)				
D.POM Juan Candelario	Abuse: Police Officer Juan Candelario threatened 887(2)(b) with the use of force.				
E.POM Juan Candelario	Off. Language: Police Officer Juan Candelario made remarks to \$857(2)(6) based upon race.				
F.POM Juan Candelario	Off. Language: Police Officer Juan Candelario made remarks to \$\frac{\frac{8}}{8}(2)(6)\$ based upon gender.				
G.POM Juan Pinero	Discourtesy: Police Officer Juan Pinero spoke discourteously to \$87(2)(6)				
H.SGT Michael Bletcher	Discourtesy: Sergeant Michael Bletcher spoke discourteously to \$87(2)(6)				
I.SGT Michael Bletcher	Abuse: Sergeant Michael Bletcher took (a) photograph (s)/recording(s) of (87(2)(6)				
J.POM Juan Pinero	Abuse: Police Officer Juan Pinero interfered with use of a recording device.				
K.POM Juan Candelario	Abuse: Police Officer Juan Candelario threatened to arrest \$87(2)(b)				
L.SGT Michael Bletcher	Abuse: Sergeant Michael Bletcher failed to provide with a business card.				

Officer(s)	Allegation	Investigator Recommendation
M.POM Juan Candelario	Abuse: Police Officer Juan Candelario failed to provide with a business card.	
N.POM Juan Pinero	Abuse: Police Officer Juan Pinero failed to provide with a business card.	
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		
§ 87(2)(g), § 87(4-b)		

Case Summary

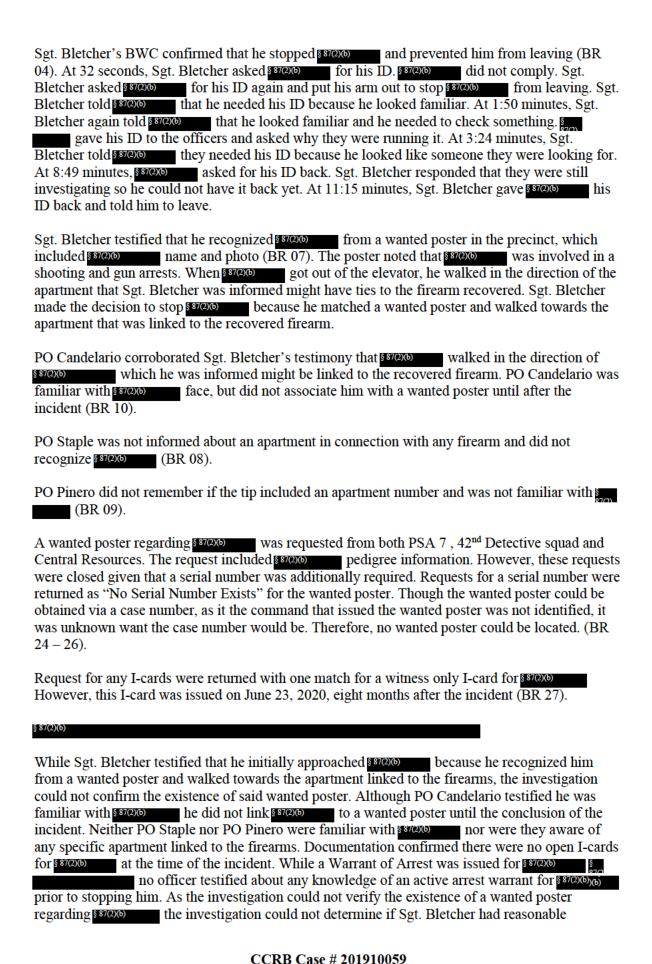


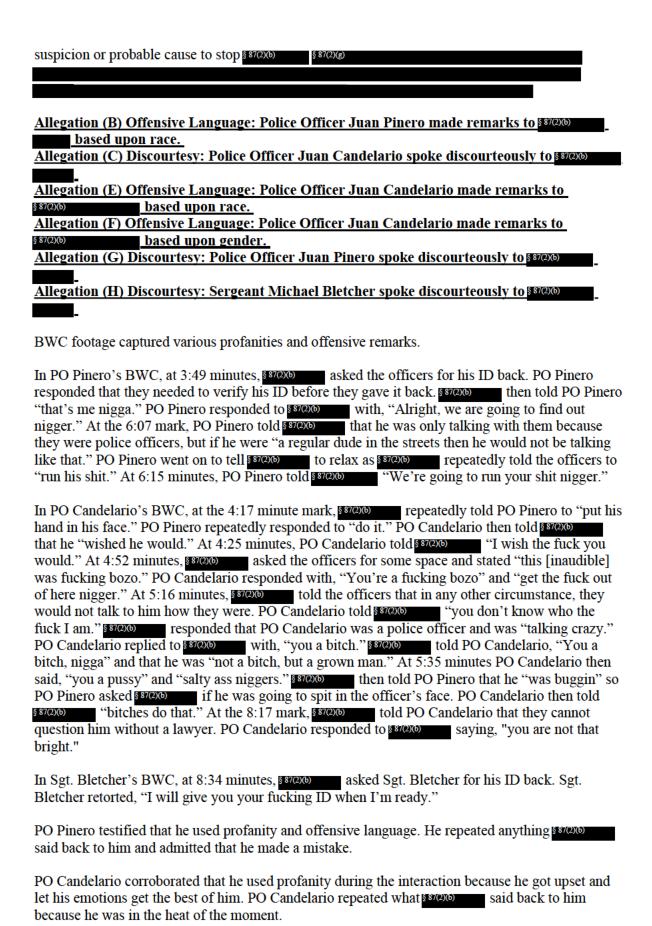
Six BWC videos were obtained for this incident (BR 01-06).

Findings and Recommendations

Allegation (A) Abuse of Authority: Sergeant Michael Bletcher stopped § 87(2)(b)

The civilians in this case were unavailable. The investigation proceeded based on the BWC footage obtained from this incident.





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Sgt. Bletcher testified that he used profanity because he forgot where he was in the moment and engaged \$87(2)(b) in the same manner \$87(2)(b) conducted himself. DAO-DCT Case number 2017-17005 states that the tribunal has held that profane remarks, made during stressful situations or while an officer is trying to get a chaotic situation under control, are not misconduct (BR). The NYPD is committed to accomplishing its mission by treating every citizen with compassion, courtesy, professionalism and respect. Officers pledge to value human life, respect the dignity of each individual and render our services with courtesy and civility, Patrol Guide Section 200-02. Officers are prohibited from using discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation, or disability, Patrol Guide Section 203-09 (BR17). PO Pinero and PO Candelario admitted to using both profane language, gender and racial slurs when they spoke with \$870,000 Sgt. Bletcher admitted to using profanity when he spoke to At the time the officers made these remarks, \$87(2)(6) had been stopped and had already given Sgt. Bletcher his ID. Although sacros used profanity and offensive language during the interaction, he complied with the officers' requests for his ID and information. The police officers engaged \$87(2)(6) in the same manner and used profanity and offensive language. The officers were not engaged in a chaotic or stressful situation and admitted that they erred in their use of language. Additionally, the use of offensive language is prohibited and never authorized. Allegation (D) Abuse of Authority: Police Officer Juan Candelario threatened with the use of force. PO Candelario's BWC footage showed at the 5:01 minute mark, he told "You can fight" "You can fight me one on one." PO Candelario testified that he threatened with force because he was upset and lost his cool. PO Candelario felt threatened because \$87(2)(0) spoke aggressively and got close to his and Sgt. Bletcher's face. He thought the situation could escalate and turn physical. Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody Patrol Guide 221-01 (BR 14). The escalation to a threat of force arose five minutes into the encounter. At the time of the threat, ■ had already complied with officers' commands and did not take any physical actions to indicate there was an immediate threat to the safety of the officers. There was no attempt to deescalate the situation. [87(2)(6)] complied with officers' commands.

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Allegation (I) Abuse of Authority: Sergeant Michael Bletcher took a photograph of

In PO Candelario's body-worn camera footage, at 9:37 minutes, Sgt. Bletcher raised a cellphone and pointed it in § 87(2)(b) direction. § 87(2)(b) used his hand to cover his face and repeatedly told Sgt. Bletcher not to take pictures of him. Sgt. Bletcher testified that he had his work phone in his hand but did not take a photograph of sgo Sgt. Bletcher was not sure if he had his personal cellphone out during the incident. PO Candelario, PO Staple, and PO Pinero did not recall if an officer tried to take a photograph of Police documents confirmed that no photographs of \$87(2)(b) were taken on a work phone belonging to Sgt. Bletcher, PO Pinero, PO Candelario or PO Staple (BR 11). Sgt. Bletcher's BWC showed he raised a cellphone and pointed it in the direction of \$87(2)(6) then told Sgt. Bletcher not to take any pictures of him. Sgt. Bletcher testified that he was unsure if he had his personal cellphone out during the incident. Police documents confirmed that no were found on a work phone associated with Sgt. Bletcher, PO Pinero, PO Candelario, or PO Staple. Allegation (J) Abuse of Authority: Police Officer Juan Pinero interfered with use of a recording device. In PO Pinero's BWC footage, at 10:44 minutes, \$87(2)(6) told PO Pinero that he wanted to see his raised his phone up to his face and pointed it in the direction of PO Pinero. PO phone and told § 87(2)(6) Pinero then used his right arm to hit \$87(2)(6) not to take pictures of him. tried to take a picture of him. He told [87(2)(6)] PO Pinero confirmed that that he could record, but he could not take any pictures of him. PO Pinero put his hand up and moved phone back. He did not physically touch \$87(2)(6) or his phone. Individuals have a right to lawfully observe and/or record police activity including, but not limited

It is undisputed that phone, he interfered with his ability to record. The patrol guide states that the right to record can be limited for safety reasons. However, was not interfering with PO Pinero's ability to perform his duty and was not posing a threat to his safety.

to detentions, searches, arrests or uses of force. This right extends to individuals in public places, such as streets, sidewalks, and parks, as well as private property in which the individual has a legal right to be present, such as buildings, lobbies, workplaces or an individual's own property. This right to observe and/or record police action can be limited for reasons such as the safety of officers or other members of the public, or when a violation of law is committed by the individual(s) who

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(g)
Allegation (K) Abuse of Authority: Police Officer Juan Candelario threatened to arrest
In PO Candelario's body-worn camera footage, at 57 seconds, Sgt. Bletcher asked where he lived. Stated he lived at Sgt. Bletcher then asked him why his ID was in an apartment at \$370,000 told Sgt. Bletcher he was staying with a friend. At 10:55 minutes, PO Candelario told \$370,000 that he was going to be arrested and not to take a picture of his face.
PO Candelario testified that he threatened to arrest and he could have been arrested for disorderly conduct due to his overall demeanor during the incident.
PO Staple did not observe anything that \$870,00 could have been arrested for during the incident
Sgt. Bletcher testified that was irate and could have been arrested for causing a disturbance in the hallway.
PO Pinero testified that seed was loud and hostile and could have been arrested for disorderly conduct.
Sgt. Bletcher, PO Pinero, and PO Candelario testified that the only people in the hallway during the interaction were Sgt. Bletcher, PO Pinero, PO Candelario, PO Staple, and the female.
Although PO Pinero and PO Candelario stated could have been arrested for disorderly conduct, there was no public element during the time of the incident. They were inside of a private building with no one else in the hallway. Tetrieving his ID from inside the apartment indicates he may have been an invited guest, the investigation could not obtain any civilian statements and consequently could not determine if was the resident of was the resident of a private building with no one else in the hallway.
§ 87(2)(g)
Allegation (L) Abuse of Authority: Sergeant Michael Bletcher failed to provide with a business card. Allegation (M) Abuse of Authority: Police Officer Juan Candelario failed to provide with a business card. Allegation (N) Abuse of Authority: Police Officer Juan Pinero failed to provide with a business card.
Sgt. Bletcher did not offer a business card because he offered to write or verbally provide his information (BR 7). He did not have a business card on him at the time of the incident. PO Pinero did not stop and so he did not have to provide him with a business card (BR 9). PO Pinero probably did not have any business cards on him at the time of the incident. To PO Candelario's understanding, he would have had to provide a business card, but he did not provide one and did not have one at the time.

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which no summons is issued, or arrest is made (BR 13). Sgt. Bletcher stopped \$3000 and prevented him from leaving. The stop rose to a Level 3 encounter and \$37000 was not issued a summons or arrested. It is undisputed that the officers did not give \$ 87(2)(b) a business card during or after the incident. As Sgt. Bletcher, PO Pinero, and PO Candelario stopped strong and he was not issued a summons or arrested during the interaction, officers were required by the patrol guide to offer their business cards. § 87(2)(g) § 87(2)(g), § 87(4-

NYC Administrative Code, Section 14-174 states that officers are required to provide members of the public with business cards after law enforcement encounters, including searches of property, in

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which \$87(2)(0) has been a party (BR 21).
- Sgt. Bletcher has been a member of service for 19 years and has been a subject in eight CCRB complaints and 16 allegations, of which two were substantiated.:
 - 200306755 involved allegations of premises entered and/or searched and discourteous language and was closed as complainant uncooperative.
 - § 87(2)(g), § 87(4-b)
 - 201505946 involved allegations of a frisk, stop, and discourteous language and was closed as mediated.
 - 201606761 involved an allegation of a vehicle stop and was closed as mediated.

0	201609410 involved an allegation of gun fired and was closed as exonerated.				
0	201804771 involved all egations of question and a discourteous language, of which				
	none were substantiated.				
0	201902829 involved an allegation of physical force and was closed as exonerated.				
	ero has been a member of service for eight years and has been a subject in one				
	complaint and one allegation, \$ \$7(2)(2), \$ \$7(4-b)				
0	\$ 0.(~)(E), \$ 0.(1- 0)				
0	§ 87(2)(g)				
	delario has been a member of service for ten years and has been a subject in six				
CCRB	complaints and 19 allegations, of which five were substantiated.:				
О	201603587 involved allegations of a frisk, search, search of person, stop, strip-				
	search, §87(2)(g), §87(4-b) against PO Candelario of which				
	the frisk and search were substantiated. The Board recommended Formalized				
	Training and the NYPD imposed Formalized Training.				
О	201604149 involved an allegation of a stop and mediation was attempted.				
О	201606761 involved an allegation of a vehicle stop and was mediated.				
О	201608992 involved substantiated allegations of a search of person, refusal to				
	provide name/shield number, and a frisk against PO Candelario. The Board				
	recommended Command Discipline A and the NYPD imposed Command				
	Discipline A.				
О	201609410 involved an allegation of gun fired and was exonerated.				
0	201910705 involved allegations of force, interference with recording, refusal to				
	provide name, and discourteous language and was closed as complainant				
0	uncooperative. § 87(2)(g)				
0	3-0-1-0-0				
Mediation, Civil and Criminal Histories					
Mediati	ion could not be offered as \$870,00 was unavailable.				
As of March 4, 2020, the New York City Office of the Comptroller has no record of a					
Notice of Claim being filed in regards to this complaint (BR 22).					
[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]					

Investigator: Julia Moran Inv. Julia Moran 09/23/2021 Signature Print Title & Name Date

Squad No.:

Squad Leader: _	Jessica Peña	IM Jessica Peña	
09/9/21			
	Signature	Print Title & Name	Date